

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Oct 05, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

KARLA G.,

v.

KILOLO KIJAKAZI, ACTING
COMMISSIONER OF SOCIAL
SECURITY,¹

Defendant.

No. 2:20-CV-0372-JTR

ORDER GRANTING STIPULATED
MOTION FOR REMAND
PURSUANT TO SENTENCE FOUR
OF 42 U.S.C. § 405(g)

BEFORE THE COURT is the parties' stipulated motion to remand the above-captioned matter to the Commissioner for additional administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 24. Attorney David L. Lybbert represents Plaintiff; Special Assistant United States Attorney Jacob Peter Phillips represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 6. After considering the file and proposed order, **IT IS ORDERED:**

1. The parties' Stipulated Motion for Remand, **ECF No. 24**, is **GRANTED**. The above-captioned case is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative action pursuant to sentence four of 42 U.S.C. § 405(g).

¹Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi is substituted for Andrew M. Saul as the defendant in this suit. No further action need be taken to continue this suit. *See* 42 U.S.C. § 405(g).

ORDER GRANTING STIPULATED MOTION FOR REMAND - 1

1 On remand, the Administrative Law Judge shall: (1) update the record and
2 offer the claimant a *de novo* hearing; (2) reassess the medical evidence, including
3 evidence regarding Plaintiff's back conditions identified in the record;
4 (3) considering the updated record, reassess the medical opinions and prior agency
5 medical findings, obtaining an opinion regarding Plaintiff's physical functioning,
6 as necessary; (4) reassess Plaintiff's subjective allegations in light of the updated
7 record; (5) proceed through the remainder of the sequential evaluation, obtaining
8 vocational expert testimony as necessary; and (6) take any further action needed to
9 complete the administrative record and issue a new decision.

10 2. **Judgment shall be entered for PLAINTIFF.**

11 3. Plaintiff's Motion for Summary Judgment, **ECF No. 18**, is
12 **STRICKEN AS MOOT.**

13 4. An application for attorney fees and costs may be filed by separate
14 motion.

15 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
16 Order, forward copies to counsel, and **CLOSE THE FILE.**

17 DATED October 5, 2021.



A handwritten signature in black ink, appearing to be "M", is written over a horizontal line.

JOHN T. RODGERS
UNITED STATES MAGISTRATE JUDGE